



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,903	11/18/2003	Ann-Margret Andersson	VTN 5001NP	5668
27777	7590	04/09/2008	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			HU, HENRY S	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			04/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/715,903

Examiner

HENRY S. HU

Applicant(s)

ANDERSSON ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to new IDS of March 27, 2008 filed after allowance.
2. ☒ The allowed claim(s) is/are 1-21,28,40,41 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3-27-08
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

//Peter D. Mulcahy//
Primary Examiner, Art Unit 1796

DETAILED ACTION

1. Applicants' newly submitted **IDS** was filed on **March 27, 2008**. The examiner has closely considered the six US patents and two GB patents as cited in this new IDS. **This office action is only supplemental to the Notice of Allowability filed on December 27, 2007.**

Claims 1-21, 28, 40-41 and 43 with two independent claims (**Claims 1 and 28**) are allowed accordingly. An action follows.

2. After closely examining the eight references cited in this new IDS, the references do disclose the preparation of some silver salt-containing antimicrobial products. The salts are water soluble; they can be silver chloride, silver fluoride, silver nitrate, silver perchlorate, N-silver p-amino-benzene sulfonamide, silver lactate and the like. To be specific, see **GB 769,799** (or the similar one such as **GB 777,679**) at page 1, line 62-80; page 3, line 34-41; see **US 2,422,688** at column 1, line 1-24; see **US 5,413,788** at title and abstract; **US 4,579,731** at column 5, line 61-65; **US 4,973,320** at title; abstract; column 6, line 38-54; **US 3,639,575** at column 1, line 13-26; and see **US 2,072,809** at column 1, line 19-50; column 3, line 27; column 4, line 17.

However, none of eight references has mentioned or suggested the issue of haze as well as its effect on antimicrobiality. In a very close examination, there is a key issue not disclosed or suggested by all cited eight references. Said key issue is on making a metal salt-containing

Art Unit: 1796

antimicrobial ophthalmic lens so as to carry a combination of two properties as: (A) exhibiting a reduction of said viable bacteria or other microbes of at least about 0.5 log, and (B) the lens has a percent haze at less than 200%.

3. The key issue on making a metal salt-containing antimicrobial ophthalmic lens so as to carry a combination of two properties as: (A) exhibiting a reduction of said viable bacteria or other microbes of at least about 0.5 log, and (B) the lens has a percent haze at less than 200%, cannot be overcome by any or the combination of the above references, therefore, the present invention is novel.

4. As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including the above references to render the present invention anticipated or obvious to one of the ordinary skill in the art. Therefore, the two independent and parent **Claims 1 and 28** are allowed for the reason listed above. Since the prior art of record fails to teach the present invention, the remaining pending dependent **Claims 2-21, 40-41 and 43** are passed to issue.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Dr. Henry S. Hu whose telephone number is (571) 272-1103. The examiner can be reached on Monday through Friday from 9:00 AM –5:00 PM.

Art Unit: 1796

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Henry S. Hu/
Examiner, Art Unit 1796

April 2, 2008